

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ERIC F. LEWIS,)	4:12CV3238
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
STATE OF NEBRASKA,)	
)	
Respondent.)	

This matter is before the court on Petitioner’s Motion for Leave to Appeal in forma pauperis (“IFP”). (Filing No. [20](#).) On August 29, 2013, the court dismissed Petitioner’s habeas corpus claims and entered Judgment against him. (Filing Nos. [17](#) and [18](#).) In doing so, the court informed Petitioner that it would not issue a certificate of appealability in this case. (Filing No. [17](#) at CM/ECF p. 6.) Thereafter, Petitioner filed a timely Notice of Appeal and the pending IFP Motion. (Filing Nos. [19](#) and [20](#).)

Petitioner has previously been granted leave to proceed IFP. (Filing No. [6](#).) [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#) states:

(a) Leave to Proceed in Forma Pauperis. . . .

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

(A) the district court—before or after the notice of appeal is filed—certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding; or

(B) a statute provides otherwise.

Id. The court finds that because Petitioner was previously given leave to proceed IFP, he may now “proceed on appeal in forma pauperis without further authorization” in accordance with [Federal Rule of Appellate Procedure 24](#).

IT IS THEREFORE ORDERED that:

1. Petitioner’s Motion for Leave to Appeal IFP (filing no. [20](#)) is granted.
2. The Clerk of the court shall provide the Court of Appeals a copy of this Memorandum and Order.

DATED this 2nd day of October, 2013.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

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